

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BILLINGS DIVISION

FILED  
BILLINGS DIV.

2008 APR 25 PM 1 50

PATRICK E. ELLIOTT, CLERK

BY \_\_\_\_\_  
DEPUTY CLERK

MARK ANDREW CHRISTENSEN	)	CV-08-55-BLG-RFC
	)	
Plaintiff,	)	
vs.	)	
	)	ORDER ADOPTING FINDINGS
U.S. MARSHAL DWIGHT MACKAY; BIG HORN	)	AND RECOMMENDATIONS OF
COUNTY COMMISSIONERS, BASIN, WYO;	)	U.S. MAGISTRATE JUDGE
BIG HORN COUNTY SHERIFF ANDERSON,	)	
BASIN, WYO.; SGT. TONY HARRISON,	)	
BIG HORN COUNTY JAIL, BASIN,	)	
WYO.; and NURSE EVA, BIG HORN COUNTY	)	
JAIL, BASIN, WYO.,	)	
Defendants.	)	
_____	)	

On April 15, 2008, United States Magistrate Judge Carolyn Ostby entered her Findings and Recommendation. *Doc. 7*. Magistrate Judge Ostby recommends that Christensen's case be transferred to the United States District Court for the District of Wyoming.

Upon service of a magistrate judge's findings and recommendation, a party has 10 days to file written objections. 28 U.S.C. § 636(b)(1). On April 21, 2008, Plaintiff filed a document stating he did not object to those Findings and Recommendations so long as Dwight Mackay, the United States Marshal for the District of Montana, remains a Defendant. *Doc. 8*. As there has been no motion to dismiss Marshal Mackay, there is no basis for his dismissal. Accordingly, the Court does not construe Christensen's April 21, 2008 filing as an objection.


In any event, Magistrate Judge Ostby correctly concluded that since the substantial

portion of Christensen's allegations arise out of his incarceration in the District of Wyoming, the District of Wyoming is the proper venue for this civil action. *See* 28 U.S.C. § 1391(b)(2). Accordingly, after a de novo review, the Court determines the Findings and Recommendation of Magistrate Judge Ostby are well grounded in law and fact and HEREBY ORDERS they be adopted in their entirety.

IT IS HEREBY ORDERED that this case (Cause No. CV-08-55-BLG-RFC) be transferred to the United States District Court for the District of Wyoming.

The Clerk of Court shall notify the parties of the entry of this Order and return to Plaintiffs his original documents.

DATED this 25 day of April, 2008.

  
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RICHARD F. CEBULL  
UNITED STATES DISTRICT JUDGE